

### 35 Struck by—Inspection 1348515 TigerGatorLLC dba White Oak Logging

A **42 year old male** was fatally injured when he was **struck by** a tree that had been felled by another logger on site. Logging operations had been ongoing for several months, off and on, as weather would permit. The harvest plan was to clear-cut the property (removing all trees and slash, leaving the stumps) by using chainsaws (manual felling) and skidders (a piece of heavy equipment designed to winch and transport trees to the logging deck). A dozer was also used to develop a road system for access, and a log loader with slasher saw was used to cut logs to the desired length and load them onto trucks for transport to a sawmill.

Two employees were engaged in removing timber from a steep slope on the day of the incident. Due to the steep grade of the property, a lower road and an upper road had been laterally excavated into the side of the hill. The plan was to fell trees from the vicinity of the upper road, letting them fall downhill so that the tops would be on, or close to, the lower road. Once felled, the employees would then top the trees from the lower road and then use the skidder from the upper road to winch the trees out and drag them to the log loader.

It was explained by one worker that the victim was to use the skidder and drag the felled trees to the loader while he continued to fell trees along the upper road. When he cut the last tree that he had planned to, he heard the skidder idling and assumed that the victim would return to him to begin the process of removing the trees. He realized the idling was coming from the lower road, and when the victim never returned, he walked down the hill to the victim pinned beneath some tree limbs attached to the tree that was just cut.

Employees are paid according to production , i.e. the number of trees hauled to the sawmill, and the quicker felled trees are topped, skidded, cut, and hauled away, the quicker the employees are paid. Therefore, it is believed that the victim had pulled the skidder onto the lower road so that he could begin topping the recently felled trees, as there was a smaller chainsaw found on the skidder. When he exited the skidder to begin the topping operation, he was struck by a falling tree.

**Citation(s) as Originally Issued**

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

**Citation 1 Item 1                      Type of Violation: Serious                      \$4000**

**29 CFR 1910.266(d)(7)(i):** Hand signals or audible contact, such as but not limited to, whistles, horns, or radios, shall be utilized whenever noise, distance, restricted visibility, or other factors prevent clear understanding of normal voice communications between employees.

In that employer failed to train employees on use of hand signals or provide employees audible methods such as horns, whistles, and/or radios to utilize when noise, distance, restricted visibility, or other factors prevent clear understanding of normal voice communications.

**Citation 1 Item 2                      Type of Violation: Serious                      \$4000**

**29 CFR 1910.266(h)(1)(iv):** Employee(s) approached a feller closer than two tree lengths of trees being felled without the feller acknowledging that it was safe to do so:

In that the employee approached the feller within 90 feet of the 100 foot tall tree being felled without the feller acknowledging that it was safe to do so.

**Citation 1 Item 3                      Type of Violation: Serious                      \$4000**

**29 CFR 1910.266(i)(1):** The employer did not provide training for each employee, including supervisors, at no cost to the employee:

In that employer failed to provide training to employees on the required elements of a logging safety program.

**Citation 1 Item 4**

**Type of Violation: Serious**

**\$1200**

**29 CFR 1910.266(i)(7)(i):** The employer did not assure that each employee, including supervisors, had received first-aid and CPR training meeting at least the requirements specified in Appendix B:

In that the employer failed to ensure two employees received first-aid and CPR training.

**Citation 2 Item 1**

**Type of Violation: Other-than-Serious**

**\$225**

**29 CFR 1910.1200(e)(1):** Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

In that Employer had not established a written hazard communication program to address the hazardous chemicals present in the workplace, such as diesel fuel, gasoline, bar oil, mixing oil, and grease.

**Citation 2 Item 2**

**Type of Violation: Other-than-Serious**

**\$225**

**29 CFR 1910.1200(g)(1):** Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

In that the Employer did not maintain a safety data sheet at the worksite for diesel fuel, gasoline, bar oil, mixing oil, and grease used during operations.

**Citation 2 Item 3      Type of Violation:      Other-than-Serious      \$225**

**29 CFR 1910.1200(h)(1):** Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

In that the employer failed to provide effective information and training on hazardous chemicals for employees that were potentially exposed to chemicals including, but not limited to diesel fuel, gasoline, bar oil, mixing oil, and grease.

**Description** Photo shows the beginning of the upper and lower logging roads. The feller was working on the upper road and the victim was struck by a falling tree on the lower road.



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**Description** Photo is taken from the upper road looking down toward the lower road. The victim was not visible from the feller.

